

ENTERED

April 13, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re

Alexander E. Jones,

Debtor,

Bankruptcy

Case No. 22-33553 (CML)

Chapter 11

In re

Free Speech Systems LLC,

Debtor,

Bankruptcy

Case No. 22-60043 (CML)

Chapter 11

Neil Heslin, Scarlett Lewis, Leonard Pozner,
Veronique De La Rosa, and Estate of
Marcel Fontaine,

Plaintiffs,

v.

Alexander E. Jones and Free Speech Systems LLC,

Defendants.

Adv. Pro. No.: 23-03034 (CML)

David Wheeler, Francine Wheeler, Jacqueline
Barden, Mark Barden, Nicole Hockley, Ian Hockley,
Jennifer Hensel, Donna Soto, Carlee Soto-Parisi,
Carlos M. Soto, Jillian Soto Marino, William
Aldenberg, William Sherlach, Robert Park, and
Richard M. Coan, as chapter 7 trustee for the estate
of Erica Lafferty,

Plaintiffs,

v.

Alexander E. Jones and Free Speech Systems LLC,

Defendants.

Adv. Pro. No. 23-03036 (CML)

STIPULATION AND AGREED ORDER ABATING FSS ADVERSARY PROCEEDINGS

This stipulation and agreed order (“Stipulation and Agreed Order”) is made by and between debtor Free Speech Systems, LLC (“FSS”), the Texas Plaintiffs,¹ and the Connecticut Plaintiffs in the above-captioned cases:

WHEREAS, on July 29, 2022, FSS filed a voluntary petition for relief under Chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) with the United States Bankruptcy Court for the Southern District of Texas (the “Court”) (Bankruptcy Case No. 22-60043 (CML);

WHEREAS, on December 2, 2022, Alexander E. Jones (“Jones”) filed a voluntary petition for relief under the Bankruptcy Code with the Court (Bankruptcy Case No. 22-33553 (CML));

WHEREAS, on March 10, 2023, the Texas Plaintiffs filed adversary proceedings against FSS and Jones, (Adv. Pro. Nos.: 23-03034 and 23-03035 (together, the “Texas Plaintiffs’ Adversary Proceedings”));

WHEREAS, on March 10, 2023, the Connecticut Plaintiffs filed adversary proceedings against FSS and Jones, (Adv. Pro. Nos.: 23-03036 and 23-03037 (together, the “Connecticut Plaintiffs’ Adversary Proceedings,” and with the Texas Plaintiffs’ Adversary Proceedings, the Adversary Proceedings”));

WHEREAS, on March 24, 2023, the Texas Plaintiffs and Connecticut Plaintiffs filed the Texas and Connecticut Plaintiffs’ Motions;

WHEREAS, on April 4, 2023, the Court held a hearing on the Texas and Connecticut Plaintiffs’ Motions;

¹ Defined terms used, but not defined herein, have the meanings ascribed to them in *Emergency Motion of the Texas Plaintiffs for Entry of an Order (A) Scheduling Certain Dates and Deadlines, (B) Establishing Certain Protocols in Connection with Such Hearings, and (C) Granting Related Relief* [Docket No. 7 in Adv. Pro. Case Nos. 23-03034 (CML) and 23-03035 (CML)] (the “Texas Plaintiffs’ Motion”) and the *Emergency Motion of the Connecticut Plaintiffs for Entry of an Order (A) Scheduling Certain Dates and Deadlines, (B) Establishing Certain Protocols in Connection with Such Hearings, and (C) Granting Related Relief* [Docket No. 16 in Adv. Pro. Case Nos. 23-03036 (CML) and 23-03037 (CML)] (the “Connecticut Plaintiffs’ Motion,” and together with the Texas Plaintiffs’ Motion, the “Texas and Connecticut Plaintiffs’ Motions”)

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND SO ORDERED:

1. Adversary Proceedings 23-03034 and 23-03036 (together, the “FSS Adversary Proceedings”) shall be abated until the earlier of fourteen (14) days after the Fifth Circuit Court of Appeals issues a decision in, or declines to hear, the appeal certified on February 2, 2023 in *Avion Funding, LLC v. GFS Industries, LLC*, Case No. 23-90009.

2. Jones and FSS shall not argue that the pendency of the Adversary Proceedings prohibits the Texas Plaintiffs and/or the Connecticut Plaintiffs from taking any discovery outside of the Adversary Proceedings that they would otherwise be entitled to take pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure and Local Rule 2004-1 of the United States Bankruptcy Court for the Southern District of Texas.

3. By entry of this Order, the Connecticut Plaintiffs and the Texas Plaintiffs hereby dismiss Jones, without prejudice, from the FSS Adversary Proceedings.

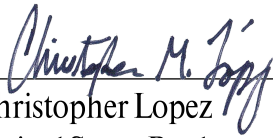
4. For the avoidance of doubt, the Texas Plaintiffs and Connecticut Plaintiffs agree not to assert that FSS is estopped from relitigating matters that are litigated in the Jones Adversary Proceedings (Case Nos. 23-03035 and 23-03037) while the FSS Adversary Proceedings are abated.

5. This Stipulation and Agreed Order shall not be modified, altered, amended, or vacated without the prior written consent of FSS, the Texas Plaintiffs, and Connecticut Plaintiffs, and any such amendment, modification or alteration, in whole or in part, shall be subject to the approval of the Court.

6. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Stipulation and Agreed Order.

THE FOREGOING STIPULATION IS SO ORDERED:

Signed: April 13, 2023



Christopher Lopez
United States Bankruptcy Judge

AGREED IN FORM AND SUBSTANCE:

Dated: April 12, 2023

CAIN & SKARNULIS PLLC

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trustee for the estate of Erica Lafferty*

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By: /s/ Raymond W. Battaglia

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Counsel to Debtor Free Speech Systems, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing stipulation has been served on counsel for FSS and Jones and all parties receiving or entitled to notice through CM/ECF on this 12th day of April, 2023.

/s/ Ryan E. Chapple

Ryan E. Chapple

United States Bankruptcy Court
Southern District of Texas

Wheeler,
Plaintiff
Jones,
Defendant

Adv. Proc. No. 23-03036-cml

CERTIFICATE OF NOTICE

District/off: 0541-4

User: ADIuser

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Date Rcvd: Apr 13, 2023

Form ID: pdf002

Total Noticed: 17

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 15, 2023:

Recip ID	Recipient Name and Address
dft	Alexander E. Jones, c/o 2525 McKinnon Street, Suite 425, Dallas, TX 75201
pla	+ Carlee Soto-Parisi, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Carlos M. Soto, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ David Wheeler, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Donna Soto, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Francine Wheeler, Cain & Skarnulis PLLC, Ryan E. Chapple, 303 Colorado Street,, Suite 2850 Austin, TX 78701-4653
dft	+ Free Speech Systems, LLC, c/o Law Offices of Ray Battaglia, PLLC, 66 Granburg Circle, San Antonio, TX 78218-3010
pla	+ Ian Hockley, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Jacqueline Barden, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Jennifer Hensel, 303 Colorado Street, Suite 2850, Suite 2850, Austin, TX 78701-4653
pla	+ Jillian Soto Marino, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Mark Barden, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Nicole Hockley, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Richard M. Coan, c/o Cain & Skarnulis PLLC, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Robert Parker, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ William Sherlach, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Wlliam Aldenberg, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653

TOTAL: 17

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 15, 2023

Signature: /s/Gustava Winters

District/off: 0541-4
Date Rcvd: Apr 13, 2023

User: ADIuser
Form ID: pdf002

Page 2 of 2
Total Noticed: 17

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 13, 2023 at the address(es) listed below:

Name	Email Address
Ryan E Chapple	on behalf of Plaintiff Carlee Soto-Parisi rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Richard M. Coan rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Mark Barden rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Ian Hockley rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Donna Soto rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff William Sherlach rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff David Wheeler rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Jennifer Hensel rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Carlos M. Soto rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Jacqueline Barden rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Francine Wheeler rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Nicole Hockley rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Wliam Aldenberg rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Jillian Soto Marino rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Robert Parker rchapple@cstrial.com apprentice@cstrial.com
Shelby A Jordan	on behalf of Defendant Alexander E. Jones cmadden@jhwclaw.com

TOTAL: 16